

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GUARDIAN INDUSTRIES CORP.,)	
)	
Plaintiff,)	C. A. No. 05-27-SLR
v.)	Jury Trial Demanded
DELL, INC.; GATEWAY, INC.;)	
HEWLETT-PACKARD COMPANY; ACER INC.;)	
ACER AMERICA CORPORATION; AOC INTERNATIONAL;)	
ENVISION PERIPHERALS, INC.; TPV TECHNOLOGY, LTD.;)	
TPV INTERNATIONAL (USA), INC.;)	
AU OPTRONICS CORPORATION;)	
AU OPTRONICS CORPORATION AMERICA a/k/a)	
AU OPTRONICS AMERICA, INC.;)	
BENQ CORPORATION; BENQ AMERICA CORPORATION;)	
CHUNGHWA PICTURE TUBES, LTD. a/k/a)	
CHUNGHWA PICTURE TUBES COMPANY;)	
TATUNG COMPANY;)	
TATUNG COMPANY OF AMERICA, INC.;)	
BOE HYDIS TECHNOLOGY COMPANY, LTD.;)	
BOE HYDIS AMERICA INC.; CHI MEI OPTOELECTRONICS;)	
COMPAL ELECTRONICS, INC.;)	
HANNSTAR DISPLAY CORPORATION; JEAN CO., LTD.;)	
LITE-ON TECHNOLOGY CORPORATION;)	
LITE-ON, INC. a/k/a LITEON TRADING USA, INC.;)	
MAG TECHNOLOGY COMPANY, LTD.;)	
MAG TECHNOLOGY USA, INC.;)	
PROVIEW INTERNATIONAL HOLDINGS, LTD.;)	
PROVIEW TECHNOLOGY, INC.;)	
PROVIEW ELECTRONICS COMPANY, LTD.; and)	
QUANTA DISPLAY, INC.,)	
Defendants.)	

**DEFENDANTS' MOTION FOR LEAVE TO FILE A SUR-REPLY IN SUPPORT
OF THE OPPosition TO GUARDIAN'S MOTION TO LIFT THE STAY**

Defendants respectfully move for leave to file a sur-reply in support of their opposition to Guardian's motion to lift the stay.¹ The sur-reply is necessary to address a change of circumstances that arose after the Defendants filed their opposition brief on February 13. Three days later, Chunghwa Picture Tube, Ltd. ("CPT") entered into a tentative settlement agreement with Guardian, and Guardian addressed that tentative settlement agreement in its reply brief.

Guardian argues that the tentative settlement agreement with CPT compels the lifting of the stay against the other non-manufacturing defendants. As set forth in Defendants' sur-reply, attached as Exhibit A hereto, that tentative settlement not only does not support the lifting of the stay, it compels the dismissal of this entire action once that settlement is finalized.

Therefore, Defendants request leave to file a sur-reply to address this change in circumstances and new argument by Guardian. A form of Order is attached as Exhibit B for the Court's convenience.

¹ Pursuant to Local Rule 7.1.1, counsel for Defendants contacted counsel for Plaintiff regarding the instant motion. As of the time of filing, Plaintiff had not communicated its position on the motion.

POTTER ANDERSON & CORROON LLP

By: /s/ David E. Moore

Richard L. Horwitz (#2246)

David E. Moore (#3983)

Hercules Plaza, 6th Floor

1313 N. Market Street

Wilmington, DE 19899

(302) 984-6000

rhorwitz@potteranderson.com

dmoore@potteranderson.com

*Attorneys for Defendants Dell Inc.,
Gateway, Inc., Lite-On Technology
Corporation and Lite-On, Inc., Acer, Inc.
and Acer American Corporation, Compal
Electronics, Proview Int'l Holdings Ltd.,
Proview Technology, Inc., Proview
Electronics Company, Ltd., MAG
Technology Company, Ltd., MAG
Technology USA, Inc.*

*(filing on behalf of Hewlett-Packard
Company, Chunghwa Picture Tubes Ltd.,
Jean Co., Ltd., Tatung Co., Envision
Peripherals, Inc., Tatung Co. of America
Inc., TPV Technology, Ltd. and TPV
International (USA), Inc.)*

Dated: February 24, 2006

720981

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on February 24, 2006, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

Richard K. Herrmann	Robert W. Whetzel
Mary B. Matterer	Richards, Layton & Finger
Morris James Hitchens & Williams LLP	One Rodney Square
222 Delaware Avenue, 10 th Floor	P.O. Box 551
Wilmington, DE 19801	Wilmington, DE 19899-0551

Josy W. Ingersoll	Matthew W. King
Young, Conaway, Stargatt & Taylor, LLP	Richards, Layton & Finger
The Brandywine Building	One Rodney Square
1000 West Street, 17 th Floor	P.O. Box 551
P.O. Box 391	Wilmington, DE 19899-0551
Wilmington, DE 19899-0391	

William J. Marsden, Jr.
Fish & Richardson, P.C.
919 N. Market Street, Suite 1100
P.O. Box 1114
Wilmington, DE 19899-1114

I hereby certify that on February 24, 2006, I have Electronically Mailed the document to the following non-registered participants:

Bryan S. Hales	Teresa M. Corbin
Craig D. Leavell	Daniel T. Shvodian
Meredith Zinanni	David L. Bilsker
Eric D. Hayes	Howrey LLP
Kirkland & Ellis LLP	525 Market Street, Suite 3600
200 East Randolph Drive	San Francisco, CA 94105-2708
Chicago, IL 60601	CorbinT@howrey.com
bhales@kirkland.com	shvodiand@howrey.com
cleavell@kirkland.com	bilskerd@howrey.com
mzinanni@kirkland.com	
ehayes@kirkland.com	

Terry D. Garnett
Peter J. Wied
Paul Hastings Janofsky & Walker
515 South Flower Street, 25th Floor
Los Angeles, CA 90071-2228
terrygarnett@paulhastings.com
peterwied@paulhastings.com

Michael J. Bettinger
Timothy P. Walker
Preston Gates & Ellis LLP
Suite 1700
55 Second Street
San Francisco, CA 94105
mikeb@prestongates.com
timothyw@prestongates.com

Roderick B. Williams
Avelyn M. Ross
Vinson & Elkins
2801 Via Fortuna, Suite 100
Austin, TX 78746-7568
rickwilliams@velaw.com
aross@velaw.com

Kurt M. Rogers
Robert J. Gunther, Jr.
Latham & Watkins LLP
885 Third Avenue
Suite 1000
New York, NY 10022-4834
robert.gunther@lw.com

Eric L. Wesenberg
Kai Tseng
Rowena Young
Orrick, Herrington & Sutcliffe LLP
1000 Marsh Road
Menlo Park, CA 94025-1015
ewesenberg@orrick.com
ktseng@orrick.com
ryoung@orrick.com

E. Robert Yoches
Laura P. Masurovsky
Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
901 New York Avenue, N.W.
Washington, DC 20001
bob.yoches@finnegan.com
Laura.masurovsky@finnegan.com

Jeffrey K. Sherwood
Akin Gump Strauss Hauer & Feld LLP
Robert S. Strauss Building
1333 New Hampshire Avenue, N.W.
Washington, DC 20036-1564
jsherwood@akingump.com

Kevin R. Hamel
Aaron Ettelman
Akin Gump Strauss Hauer & Feld LLP
One Commerce Square
2005 Market Street, Suite 2200
Philadelphia, PA 19103
khamel@akingump.com
aettelman@akingump.com

By: /s/ David E. Moore
Richard L. Horwitz
David E. Moore
Hercules Plaza, 6th Floor
1313 N. Market Street
P.O. Box 951
Wilmington, DE 19899-0951
(302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com